



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 3046-99  
22 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, information provided by your counsel, and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by designees of the Specialty Advisor for Psychiatry dated 25 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. With regard to your request for an honorable discharge, the Board concluded that although your performance and behavior marks met the minimum criteria for an honorable discharge, your commanding officer properly determined that your service was not so meritorious as to warrant an honorable discharge. In exercising his discretion, he undoubtedly considered the fact that you received a mark of 4.0 in personal behavior during a period in which you received nonjudicial punishment, and that you received a mark of 2.0 in personal behavior in your final evaluation period, for a final average of 3.0 in behavior. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure

NAVAL MEDICAL CENTER  
DEPARTMENT OF PSYCHIATRY  
PORTSMOUTH, VIRGINIA 23708-2197

6520  
0506: 2065  
25 January 2000

From: Case Reviewers  
To: Chairman, Board of Correction of Naval Records  
Department of the Navy, Washington, D.C. 20370-2197

Subj: APPLICATION FOR CORRECTION OF NAVAL RECORDS IN  
THE CASE OF FORMER [REDACTED]  
[REDACTED]

Ref: (a) Your letter dated 30 DEC 99,  
re: Docket No: 3046-99

Encl.: (1) BCNR file  
(2) Service Record  
(3) VA Record/Medical Record

1. Pursuant to reference (a), the review of enclosure (1) through (3) was conducted to form opinions about the subject petitioner's claims that he was unfit for duty because he had a diagnosis of Major Depression, and thereby should have been retired by a Medical Board by reason of a physical disability instead of being separated by administrative separation for reason of unsuitability.

2. Facts of the case:

(a) The petitioner began United States Naval Service in August 1994.

(b) In June 1996 the patient presented to the Psychology Clinic at the Naval Branch Medical Clinic, NAS Meridian, MS for evaluation of psychological distress and difficulty adapting to military life. He was diagnosed with Occupational Problem (secondary to Axis II), Cyclothymia (EPTE) (secondary to Axis II), and Personality Disorder NOS with Narcissistic and Antisocial traits. A recommendation for expeditious administrative separation was made.

(c) In July 1996 the petitioner was separated from United States Naval Service. During his separation physical examination on 17 June 96, (Report of Medical History - SF 93)

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he specifically denied symptoms of "depression or excessive worry", "nervous trouble of any sort," or "frequent trouble sleeping".

(d) The petitioner sought psychiatric care at the Winston-Salem, NC Veterans Administration Outpatient clinic in January 1997 and was diagnosed with Major Depressive Disorder.

3. The following opinions are submitted:

(a) There is no objective or subjective evidence to support a diagnosis of Major Depressive Disorder, or any other major mood disorder, including Cyclothymia, during Mr. [REDACTED] period of Naval service. The psychologist who examined Mr. [REDACTED] on 17 June 96 did not list an adequate number of symptoms to support any such diagnosis. Mr. [REDACTED] himself denied the hallmark symptoms of depression on his discharge physical examination.

(b) In spite of the diagnosis of "cyclothymia," the psychologist made it very clear that he believed that the overriding diagnosis was the service member's personality disorder. He attributed the "Cyclothymia" and "Occupational Problem" to a maladaptive pattern of behavior characteristic of a personality disorder. In fact, the psychological evaluation accurately predicted the difficulties which Mr. [REDACTED] subsequently encountered following his discharge from military service.

(c) It was noted in the documentation provided that, at some point after his release from service, Mr. [REDACTED] was diagnosed with "Psychosis" and was given a 30% disability rating. A diagnosis of any psychotic disorder is not supported in any of the documentation.

4. Recommendation: There is insufficient evidence to demonstrate that the petitioner suffered from Major Depression which was incurred in or aggravated by his Naval service.

  
I. J. CHAPEL (P)  
LT MC USNR

  
G. L. MUNN (P)  
CDR MC USN